

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

I am employed in the county of Orange, State of California. I am over the age of 18 and not a party to the within action; my business address is 5120 Campus Drive, Newport Beach, CA 92660.

On February 11, 2008, I served the foregoing document described as: **DEFENDANT'S REPLY MEMORANDUM IN RESPONSE TO PLAINTIFF'S OPPOSITION MEMORANDUM TO MOTION FOR JUDGMENT ON THE PLEADINGS** as follows:

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Counsel for Plaintiff

BY MAIL

[X] As follows: I am "readily familiar" with the firm's practice of practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Newport Beach, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

[X] By E-Service as as follows:

b. ~~Service of Papers.~~ The NEF that is automatically generated by the Court's Electronic Filing System constitutes service of the filed document on Filing Users. Parties who are not Filing Users must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure and these Local Rules. A certificate of service is required when a party electronically files a document, and must state the manner in which service or notice was accomplished on each party.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 11, 2008, at Newport Beach, California

/s/ JANET THOMPSON
Janet Thompson